CITY AND COUNTY OF SAN FRANCISCO MUNICIPAL CODE

PORT CODE

MUNICIPAL CODE CORPORATION

Tallahassee, Florida 2006

CITY AND COUNTY OF SAN FRANCISCO

MUNICIPAL CODE

Charter
Administrative Code
Building and Related Technical Codes
Business and Tax Regulations Code
Campaign and Governmental Conduct Code
Environment Code
Fire Code
Health Code
Municipal Elections Code
Park Code
Planning Code
Police Code
Port Code
Public Works Code
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Zoning Maps

Supp. No. 1, September 2006

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PREFACE TO THE

PORT CODE

The San Francisco Municipal Code contains ordinances enacted through Ordinance 75-08, File Number 071531, Approved May 9, 2008. A legislative history, containing ordinance number and approval date, is located at the conclusion of most sections. The legislative history of ordinances approved after March 1999 also contain Board of Supervisors file numbers.

PORT CODE

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PREAMBLE

Under the Burton Act and Charter Section B3.581, the San Francisco Port Commission has the complete and exclusive authority to manage, regulate and control the harbor of San Francisco and to do all things it deems necessary in connection with the use, conduct, operation, management, maintenance, regulation, improvement and control of Port property. The Port has important interests in regulating activities on public access areas of Port property to protect visitors from safety hazards, prevent damage to the property and facilitate special event coordination. As a result, the Port has determined that there is a need to impose reasonable time, place and manner restrictions upon activities of the general public on the Port's public access areas. In keeping with its duties of administering the public trust, this Code is not intended to restrict the rights of the public to enjoy the waters of San Francisco Bay to the full extent those rights are granted under the public trust doctrine.

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ARTICLE 1: DEFINITIONS

Sec. 1.1. "Park" Defined.
Sec. 1.2. "Commission" Defined.
Sec. 1.3. "Executive Director" Defined.
Sec. 1.4. "Person" Defined.
Sec. 1.5. "Sign" Defined.
Sec. 1.6. "Vehicle" Defined.
Sec. 1.7. "Park Patrol" Defined.

SEC. 1.1. "PARK" DEFINED.

When used in this Code, the word "park" shall mean and include those certain grounds, public access areas, promenades, plazas, roadways, avenues, squares, recreation facilities, and other property identified in Appendix A attached hereto, any other areas that are or become publicly-dedicated public access areas and such other areas of land or water that are designated to be subject to this Code by a resolution of the San Francisco Port Commission and which are under the jurisdiction of the San Francisco Port Commission. Any park abutting the waters of San Francisco Bay shall not be deemed to include the waters of San Francisco Bay except that the term "park" shall also include those areas of waters within the Port Commission's jurisdiction that are specifically designated by the Port Commission by resolution to be subject to this Code. The Port Commission shall keep on file a graphic representation of such "Parks" which shall be updated as needed to represent the "Parks" subject to this Port Code. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 1.2. "COMMISSION" DEFINED.

When used in this Code, the word "Commission" refers to the San Francisco Port Commission of the City and County of San Francisco. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 1.3. "EXECUTIVE DIRECTOR" DEFINED.

When used in this Code, the words "Executive Director" refer to the Executive Director appointed by the Commission pursuant to Charter Section B3.581 or to a person designated by the Executive Director to act on his or her behalf. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 1.4. "PERSON" DEFINED.

The word "person" when used in this Code shall mean and include any person, association, partnership, firm or corporation. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 1.5. "SIGN" DEFINED.

The word "sign" when used in this Code shall mean any literal, pictorial or symbolic representation, including, but not limited to, a written, printed, photocopied or painted message on any paper, cardboard, wood, metal, cloth, or other flat surface. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 1.6. "VEHICLE" DEFINED.

When used in this Code, the word "vehicle" shall mean any device, in, upon, or by which a person or property is or may be propelled, moved or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks, and shall include, but not be limited to, the following: automobile, truck, motorcycle, motor-driven cycle, animal-drawn carriage, buckboard, cart, and minibike or bicycle when operated under engine power. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 1.7. "PARK PATROL" DEFINED.

When used in this Code, the words "Park Patrol" refer to persons hired as employees or contractors of the Commission or City and County of San Francisco to patrol the areas under the jurisdiction of the Commission. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

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ARTICLE 2: REGULATIONS

Sec. 2.1.	Rules of Port Commission to Be Obeyed.
Sec. 2.2.	Signs to Be Obeyed.
Sec. 2.3.	Public May Be Excluded.
Sec. 2.4.	Athletic Activities Prohibited in Certain Areas.
Sec. 2.5.	Restrictions on Posting of Signs.
Sec. 2.6.	Personal Services.
Sec. 2.7.	Airplanes, Helicopters, Hot Air Balloons, Etc., Prohibited.
Sec. 2.8.	Peddling and Vending Merchandise or Printed Material.
Sec. 2.9.	Camping Prohibited.
Sec. 2.10.	Sleeping Prohibited During Certain Hours.
Sec. 2.11.	Performance of Labor.
Sec. 2.12.	Building Materials.
Sec. 2.13.	Ground to Be Restored to Condition.
Sec. 2.14.	Warning Signals at Danger Points.

SEC. 2.1. RULES OF PORT COMMISSION TO BE OBEYED.

From time to time, the Port Commission (or the Redevelopment Agency Commission pursuant to Article 7 hereof) may adopt and post rules and regulations implementing the provisions of this Port Code. No person shall willfully disobey or violate any of the rules or regulations of the Commission or the Redevelopment Agency governing the use and enjoyment by the public of any park or of any building, structure, equipment, apparatus or appliance in any park, which rules or regulations, at the time, are posted in some conspicuous place in that area of the park or in or near the building, structure, equipment, apparatus or appliance to which the rule or regulation applies. (Added by Ord. 92-00, File No. *000634*, App. *5/19/2000*)

SEC. 2.2. SIGNS TO BE OBEYED.

No person shall willfully disobey the notices, prohibitions or directions on any sign posted by the Commission. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 2.3. PUBLIC MAY BE EXCLUDED.

In case of an emergency, or when in the judgment of the Commission or the Executive Director the public interest demands it, any portion of any park or park building therein may be closed to the public until such park area or building is reopened to the public by the Commission or the Executive Director; provided, however, that nothing in this Section shall authorize the Executive Director to close any portion of any park building because of activities, existing or anticipated, engaged in for the purpose of expressing ideas or causes, which activities are protected by the First Amendment to the United States Constitution. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 2.4. ATHLETIC ACTIVITIES PROHIBITED IN CERTAIN AREAS.

Where a sign is posted, no person shall participate in any athletic activity, including, but not limited to running, jogging, volleyball, baseball, soccer, football, roller skating, bicycle riding, skateboarding, or frisbee. The prohibition contained in this Section applies to running or jogging only when the person running or jogging does not remain on pedestrian paths. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 2.5. RESTRICTIONS ON POSTING OF SIGNS.

(A) No person shall post or affix to any tree, shrub, plant, fence, building, monument, wall, post, vehicle or other physical object in any park any written or printed material, including, but not limited to, signs, notices, handbills, circulars and pamphlets.

(B) Notwithstanding Section 2.5, signs may be posted in the following circumstances:

(1) Any person who has scheduled an event in any park pursuant to a permit from the Executive Director may erect or post signs on the day that the event is scheduled to occur giving directions to such event, provided that such person receive prior approval from the Commission.

(2) Any person leasing the park from the Commission may post signs on or about the premises leased informing the public of the event scheduled to occur, provided that the locations selected for such posting have been designated by the Executive Director as appropriate for such use, which designated location or locations for such facility shall be applicable to all lessees of such facility, and provided further, that such signs not be posted earlier than one week before the event is scheduled to occur nor later than one week after the event is over.

(3) Persons and organizations maintaining and operating recreational facilities on park property on a daily basis may post signs which identify the facilities which provide information pertaining to recreational activities, or which inform the public of events sponsored by such persons and organizations or of regulations governing such facilities, provided (A) that such signs are posted only on the facilities so operated and maintained, whether inside or outside and (B) that if they are posted outside, the organization receive prior written approval from the Executive Director.

(4) The Commission or its designee may post signs in any park or in any facility in any park governing the public use of park property or informing the public of events sponsored by the Commission.

(C) When a person or organization is required to obtain the prior written approval of the Executive Director in order to post a sign in a park, the Executive Director may withhold such approval only if it finds that the location of such sign or signs would harm public or private property, or inconvenience or endanger the public, or unduly cover or block park facilities.

(D) No sign which is posted pursuant to this Section shall be affixed to any tree, shrub or plant. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 2.6. PERSONAL SERVICES.

No person shall use any of the facilities or areas of any park for the purpose of providing tennis, golf, sailing, boating, baseball, jogging, horseback riding or other athletic instruction for compensation without first having obtained a permit, concession, license or lease from the Executive Director. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 2.7. AIRPLANES, HELICOPTERS, HOT AIR BALLOONS, ETC., PROHIBITED.

No person shall launch nor land any airplane, helicopter, parachute, hang glider, hot air balloon, nor any other machine or apparatus of aviation in any park, nor shall any person bring into any park any balloon with a diameter of more than six feet or a gas capacity of more than 115 cubic feet, without written permission of the Executive Director. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 2.8. PEDDLING AND VENDING MERCHANDISE OR PRINTED MATERIAL.

No person shall bring, or cause to be brought, for the purposes of sale or barter, or have for sale, or sell or exchange, or offer for sale or exchange any food, beverage, goods, wares, or merchandise in any park without first having obtained a permit, concession, license or lease from the Executive Director. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 2.9. CAMPING PROHIBITED.

No person shall construct or maintain any building, structure, tent or any other thing in any park that may be used for housing accommodations or camping, except by written permission from the Executive Director. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 2.10. SLEEPING PROHIBITED DURING CERTAIN HOURS.

No person shall remain in any park for the purpose of sleeping between the hours of 10:00 p.m. and 6:00 a.m., except that special permission may be granted by the Executive Director to persons providing security services between said hours in any park or for other unusual events. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 2.11. PERFORMANCE OF LABOR.

No person, other than duly authorized personnel, shall perform any labor, on or upon any park, including, but not limited to, taking up or replacing soil, turf, ground, pavement, structure, tree, shrub, plant, grass, flower and the like, without written permission of the Executive Director. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 2.12. BUILDING MATERIALS.

No person shall place, pile, deposit or leave any building material in any park without first having obtained all necessary permits, including but not limited to building permits from the Executive Director. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 2.13. GROUND TO BE RESTORED TO CONDITION.

Where work has been done in any park pursuant to a permit, the permittee shall repair, reconstruct, and put the ground in as good condition in all respects when the work shall have been completed or terminated or such permit shall have expired, as said ground was in when said permit was granted or said work commenced; the condition of the ground, site or place in the park where the work has been done pursuant to any permit shall be made satisfactory to the Executive Director, and on the completion of said work the permittee shall forthwith remove all buildings, structures, machinery or equipment used in connection with said work from the park. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 2.14. WARNING SIGNALS AT DANGER POINTS.

Every person who does any act in any park, whether the act is done by that person or by an agent or at the person's direction, and whether the person is acting as principal, contractor, or employer, and by that act makes the park or any portion of it dangerous must erect and, so long as the danger continues, maintain around the portion of the park so made dangerous a good and substantial barrier, and shall maintain at appropriate places along such barrier, during every night, from sunset until daylight, flashing lights, flares or some other suitable light sufficient to give warning of said danger. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

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ARTICLE 3: DISORDERLY CONDUCT

Sec. 3.1.	Disorderly Conduct.
Sec. 3.2.	Swimming Restrictions.
Sec. 3.3.	Polluting Waters Prohibited.
Sec. 3.4.	Littering and Dumping of Waste Matter Prohibited.
Sec. 3.5.	Malicious Destruction of Property.
Sec. 3.6.	Removal of Trees, Wood, Etc.
Sec. 3.7.	Penalties for Violation of Section 3.6.
Sec. 3.8.	Interference with Port Commission and Park Employees.
Sec. 3.9.	Alcoholic Beverages.
Sec. 3.10.	Persons Intoxicated by Alcohol or Drugs May Be Excluded.
Sec. 3.11.	Persons May Be Excluded Under Certain Circumstances.
Sec. 3.12.	Refusal to Obey Lawful Order.
Sec. 3.13.	Fighting, Disturbing Peace, Offensive Words.
Sec. 3.14.	Intoxication by Alcohol or Drugs.
Sec. 3.15.	Minors, Parents and Guardians Of.

SEC. 3.1. DISORDERLY CONDUCT.

No person shall, in any park, without written permission of the Executive Director:

(A) Throw or propel objects of a potentially dangerous nature, including, but not limited to, stones, bottles, glass, cans or crockery;

(B) Fire or carry firearms of any size or description, or possess any instrument, appliance or substance designed, made or adopted for use primarily as a weapon, including, but not limited to, air rifles, slingshots, clubs, swords, razors, billies, explosives, dirk knives, bowie knives or similar knives, except that this subsection shall not apply to a police or other peace officer;

(C) Fire or carry any firecracker, rocket, torpedo or other fireworks of any description (this subsection shall not be deemed to contradict any provisions contained in Chapter VIII (Police Code) of the San Francisco Municipal Code);

(D) Carry or use a model airplane which is powered by liquid fuel or designed to be used with such fuel;

(E) Make, kindle, maintain or in any way use a fire except at places provided, designated and maintained by the Commission for such use;

(F) Climb or lie upon any tree, shrub, monument, wall, fence, shelter, fountain, statue, building, construction or structure;

(G) Emit, eject, or cause to be deposited any excreta of the human body, except in proper receptacles designated for such purposes;

(H) Expose his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region or any portion of the female breast at or below the areola thereof, except that this section shall not apply to children under the age of five years;

(I) Enter a restroom or toilet set apart for use of the opposite sex, except children under the age of five years accompanied by a parent or guardian and duly authorized personnel for the purpose of inspection, maintenance or repair;

(J) Gain or attempt admittance to facilities in any park where a charge is made, without paying that charge;

(K) Play any percussion instrument, including drums, at any time or location prohibited by resolution of the Commission when a sign has been posted in the area affected to give notice of this prohibition; provided that such resolution does not unreasonably curtail the playing of such instruments in any area of the city. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 3.2. SWIMMING RESTRICTIONS.

No person shall enter, wade or swim in the waters of any lake, pond, pool, tank, fountain or reservoir in any park except where permitted by regulation or special written permission of the Executive Director. This restriction does not prohibit persons from entering, wading or swimming in the waters of San Francisco Bay except in areas where a sign is posted prohibiting such entering, wading or swimming. Without limiting the foregoing, no persons shall enter the waters of San Francisco Bay from the public access areas located on or adjacent to the Pacific Bell Park (the ballpark) for the purposes of wading or swimming except by special written permission by the Executive Director. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 3.3. POLLUTING WATERS PROHIBITED.

No person shall throw or place, or cause to be thrown or placed, any garbage, trash, refuse, paper, container, or nauseous or offensive matter into any pool, pond, tank, or fountain in any park, or into the waters of San Francisco Bay.

In addition, attention is called to the fact that state law prohibits the littering or dumping of waste into lakes and other bodies of water. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 3.4. LITTERING AND DUMPING OF WASTE MATTER PROHIBITED.

Attention is called to the fact that state law prohibits the littering or dumping of waste matter in any public park. In addition, attention is called to City and County of San Francisco Health Code Section 1150, prohibiting the release or dumping of hazardous waste on public property. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 3.5. MALICIOUS DESTRUCTION OF PROPERTY.

Attention is called to the fact that state law prohibits the malicious defacement, damage or destruction of real or personal property. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 3.6. REMOVAL OF TREES, WOOD, ETC.

No person shall remove or take away any tree, wood, bush, turf, shrub, flower, plant, grass, soil, rock, or anything of like kind from any park without written permission of the Executive Director. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 3.7. PENALTIES FOR VIOLATION OF SECTION 3.6.

(A) Any person convicted of a violation of Section 3.6 of this Code shall be punished by a mandatory fine of not less than $50 nor more than $500 upon a first conviction, by a mandatory fine of not less than $100 nor more than $500 upon a second conviction and by a mandatory fine of not less than $150 nor more than $500 upon a third or subsequent conviction.

(B) The court shall, in addition, impose a civil penalty or an amount necessary to reimburse the Commission for the value of the tree, wood, bush, turf, shrub, flower, plant, grass, soil, compost, rock, water or other material removed as well as any labor expended to replant or otherwise restore the area affected. Any revenue collected as a civil penalty pursuant to this Section shall be credited to the Commission. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 3.8. INTERFERENCE WITH PORT COMMISSION AND PARK EMPLOYEES.

No person shall, with malice, interfere with or in any manner hinder any employee of the Commission or a duly authorized contractor while that person is engaged in constructing, repairing, or caring for any portion of the park or is otherwise engaged in the discharge of such employee's duties. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 3.9. ALCOHOLIC BEVERAGES.

No person shall consume alcoholic beverages of any kind within any park, or in any of the parks or portions of parks, except that the Executive Director or the Port Commission may grant permission to consume alcohol in the parks

and portions of parks where such activity is prohibited if the Port Commission or the Executive Director determines that the consumption of alcohol will not interfere with the public's use and enjoyment of the park. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 3.10. PERSONS INTOXICATED BY ALCOHOL OR DRUGS MAY BE EXCLUDED.

Members of the San Francisco Police Department and Port Commission employees, including members of a Park Patrol, are authorized to order persons to stay out of, or to leave, any park, or any facility, building or structure therein, when such officers or employees have reasonable cause to conclude that the person so ordered is under the influence of intoxicating liquor, any drug, or any "controlled substance" as that term is defined and described in the California Health and Safety Code, or any combination of any intoxicating liquor, drug, or controlled substance, and is in such a condition that he or she is unable to exercise care for his or her own safety or the safety of others or interferes with or obstructs or prevents the free use of park property. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 3.11. PERSONS MAY BE EXCLUDED UNDER CERTAIN CIRCUMSTANCES.

Members of the San Francisco Police Department and Commission employees, including members of a Park Patrol, are authorized to order any person to stay out of or to leave any park, or any facility, building or structure therein, when such officers or employees have reasonable cause to conclude that the person:

(A) Is consuming alcoholic beverages in violation of Sections 3.9 or 3.10 of this Code, the City's Police Code, or any other local, state or federal law or regulation; or

(B) Is using any drug or controlled substance, as defined above, or any combination of any intoxicating liquor, drug, or controlled substance; or

(C) Is doing any act injurious to any park or any building, structure or facility therein; or

(D) While using any athletic facility or area, disobeys any rule or regulation governing such area or facility after being warned not to do so by a Commission or Park Employee, including members of a Park Patrol, when the employee has reasonable cause to conclude that such behavior damages or risks damage to park property or interferes with the use and enjoyment of such area or facility by other persons; or

(E) Behaves in so noisy, boisterous or rowdy a manner as to disturb spectators or participants at an athletic event. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 3.12. REFUSAL TO OBEY LAWFUL ORDER.

It shall be unlawful for any person to refuse to obey the lawful order of a police officer or an employee of the Commission made pursuant to Section 3.11 of this Code. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 3.13. FIGHTING, DISTURBING PEACE, OFFENSIVE WORDS.

Attention is called to the fact that state law prohibits unlawful fighting in public places, the malicious and willful disturbance of others by loud and unreasonable noise, and the use of offensive words in a public place which are inherently likely to provoke an immediate violent reaction. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 3.14. INTOXICATION BY ALCOHOL OR DRUGS.

Attention is called to the fact that state law provides that any person in a public place who is under the influence of intoxicating liquor, drugs, or certain specified substances and endangers himself or others or interferes with the free use of a public way is guilty of disorderly conduct. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 3.15. MINORS, PARENTS AND GUARDIANS OF.

No parent, guardian or custodian of a minor shall permit or allow such minor to do any act or thing in any park prohibited by the provisions of this Code. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

ARTICLE 4: ANIMALS

Sec. 4.1. Dogs, Cats Only Allowed.
Sec. 4.2. Animals Prohibited from Certain Areas.
Sec. 4.3. Cats Must Be on Leash or in Transport Box.
Sec. 4.4. Vicious Animals Prohibited.
Sec. 4.5. Abandonment of Animals Prohibited.
Sec. 4.6. Feeding Animals Prohibited.
Sec. 4.7. Disturbing Animals, Birds, Fish Prohibited; Exceptions.

SEC. 4.1. DOGS, CATS ONLY ALLOWED.

No person shall lead, drive, conduct or otherwise bring or allow to remain in any park any animal, bird, fish or reptile other than dogs and domestic cats. This Section shall not apply to persons acting pursuant to a permit from the Executive Director when the permit allows the presence of such animal, bird, fish or reptile. This Section shall not prohibit any person from transporting fish or shellfish legally caught in San Francisco Bay from the shoreline of any park across such park. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 4.2. ANIMALS PROHIBITED FROM CERTAIN AREAS.

No person, other than members of the Police Mounted Detail when on duty, shall, in any park, allow any animal in his or her custody to enter any building, or any playground, sandbox or other area reserved for children, or to enter or drink the water of any drinking fountain, lake or pond located in any park, not including San Francisco Bay, except at places designated and maintained for such purpose. Notwithstanding the above provision, a blind person may enter these areas with a guide dog. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 4.3. CATS MUST BE ON LEASH OR IN TRANSPORT BOX.

No person shall carry, lead, conduct or otherwise bring or allow to remain in any park a domestic cat unless the animal is on a leash not exceeding six feet in length or in an animal transport box equipped with vent holes capable of providing the animal with sufficient air. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 4.4. VICIOUS ANIMALS PROHIBITED.

No person shall keep or permit to remain in any park a noisy, vicious, or dangerous animal or an animal which unduly disturbs other persons or other animals in the park. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 4.5. ABANDONMENT OF ANIMALS PROHIBITED.

No person shall abandon any animals in any park. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 4.6. FEEDING ANIMALS PROHIBITED.

It shall be unlawful for any person to feed or offer to any animal in any park any substance which would be likely to be harmful to it. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 4.7. DISTURBING ANIMALS, BIRDS, FISH PROHIBITED; EXCEPTIONS.

Except as provided in Article 7, Chapter VIII (Police Code) of the San Francisco Municipal Code, it shall be unlawful for any person, including City and County of San Francisco, its officers, employees or agents, to hunt, chase, shoot, trap, discharge or throw missiles at, molest, disturb, capture, injure, or destroy any animal in any park, or to permit any animal in such person's custody or control to do so; provided, however, that any mole or any gopher, mouse, rat or other rodent which is determined by said Executive Director to be a nuisance may be destroyed by said Executive Director or a desig-

nated representative; and provided, further, that any animal other than a mole or a gopher, mouse, rat or other rodent which is determined by said Executive Director to be a nuisance or a hazard to persons using said areas or to be a hazard to plants or other horticulture, may, in a humane manner, be live trapped by said Executive Director and delivered to the Animal Control Officer for disposition pursuant to the provisions of Sections 41.7 through 41.9, inclusive, of Article 1, Chapter V (Health Code) of the San Francisco Municipal Code. This Section shall not restrict in any way the rights of the public to fish in San Francisco Bay. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

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ARTICLE 5: TRAFFIC REGULATIONS

Sec. 5.1. Operation and Parking of Vehicles.
Sec. 5.2. Towing of Vehicles.
Sec. 5.3. Commercial Vehicles Prohibited.
Sec. 5.4. Parking of Sightseeing Buses.
Sec. 5.5. Transportation of Residential or Commercial Garbage.
Sec. 5.6. Soliciting Passengers for Vehicles Prohibited.
Sec. 5.7. Penalties.
Sec. 5.8. Exceptions.

SEC. 5.1. OPERATION AND PARKING OF VEHICLES.

(A) No person shall drive or propel any vehicle within any park except upon the paved roads, driveways, and highways provided or unpaved roads designated by sign or signal for use by such vehicular traffic;

(B) All persons operating vehicles must drive or propel them in a careful manner, at a lawful rate of speed, and in accordance with the rules and regulations of the Commission, San Francisco Traffic Code, Port of San Francisco Harbor Traffic Code and California Vehicle Code, as such rules are amended from time to time;

(C) No person shall drive or propel any vehicle on any planted area or on any access road or unpaved service road or fire trail in any park;

(D) No person shall park any vehicle on any lawn, or planted area, or unimproved area or on any pedestrian or equestrian lane, or on any access road or unpaved service road or fire trail or in any manner so as to block access to or exit from any pier, service road or access road or fire trail, or in any other place in the park where the rules and regulations of the Commission prohibit vehicular parking, unless allowed otherwise by permit;

(E) No person shall wash, grease, or repair any vehicle in any park except insofar as repairs may be necessary for the immediate removal of *any damaged or disabled vehicle* from the park;

(F) No vehicle shall be parked on any road, place or highway in any park except on the extreme side of said road, place or highway and immediately adjacent to any curb or any planted portion of the park. The Commission shall have full power and authority to set aside suitable space for the parking of any vehicle off any road, place or highway. The extreme right of said road, place or highway shall be deemed to be the right-hand side of any road, place or highway as measured or applied in the direction in which any vehicle is traveling. Nothing in this Section shall be deemed to prohibit parking on the extreme left side of any one-way road or highway, provided such parking is otherwise permitted, which side shall be deemed to be the left-hand side of any road or highway as measured or applied in the direction in which any vehicle is traveling.

(G) No person shall park any automobile or any other vehicle, including a horse trailer, whether attended or unattended, in any park, between the hours of 10:00 p.m. and 6:00 a.m. except (1) when attending an event or function authorized by the Commission or Executive Director, and then only when the person parks the vehicle in an area specifically designated for such parking in connection with said event or function; (2) when such parking is necessary because of an emergency, such as a flat tire or other mechanical failure, in which case the vehicle shall not be parked any longer than necessary; or (3) when a sign is posted or notice is otherwise provided that parking is permitted in a designated area between 10:00 p.m. and 6:00 a.m., or some portion of those hours.

(H) No person shall, in any park, allow any automobile or other vehicle to remain parked in any parking lot which is open for public use and for which a fee is charged for parking, for a period of more than 24 hours after the expiration of the period for which the fee is charged, unless otherwise allowed by permit.

(I) No person shall, in any park, allow any automobile or any other vehicle that is disabled to remain parked in any parking lot which is open for public use and for which a fee is charged for parking, unless otherwise allowed by permit. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 5.2. TOWING OF VEHICLES.

Whenever any member of the San Francisco Police Department, employee or lessee authorized by the Commission finds any vehicle parked in violation of Sections 5.1(D), (E), (F), (G), (I), of this Code, such officer, employee or lessee may provide for the removal of such vehicle, so long as signs have been posted to inform the public that vehicles so parked are subject to removal and, with respect to Section 5.1(H), so long as there is an attendant on duty or other facilities permitting the patron to pay or remit the parking charges at the time the vehicle is first parked.

The procedure for removal and impounding of vehicles shall be as is provided for in applicable provisions of the San Francisco Traffic Code and Sections 22850 to 22855 of the California Vehicle Code.

Moreover, any vehicle stopped, parked or left standing in such a manner as to violate Sections 5.1(D), (E), (F), (G), (I), of this Code is an obstruction to the free use of property and a nuisance within the meaning of Part III of the Civil Code of California relating to nuisances and the abatement thereof. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 5.3. COMMERCIAL VEHICLES PROHIBITED.

No person shall bring or cause to be brought into any park any vehicle designed, used or maintained primarily for the transportation of goods, food, beverage, wares, merchandise, soil, building material or other article or thing of commerce or trade unless such person is bringing such vehicle into a park by written permission of the Executive Director. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 5.4. PARKING OF SIGHTSEEING BUSES.

No person shall park a sightseeing bus in any park unless such person (1) has obtained a permit from the Executive Director and paid any fee which may be required by the Commission for the issuance of such a permit and (2) parks in an area which has been designated by the Commission as a parking area for sightseeing buses, either by the posting of a sign or by written notice kept on file with the Executive Director or the Commission and made available to any interested person upon request. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 5.5. TRANSPORTATION OF RESIDENTIAL OR COMMERCIAL GARBAGE.

It is unlawful to transport residential or commercial garbage within any vehicle within the confines of any park. "Garbage" shall include, but not be limited to, the following: Dry or wet fill, emptied food containers, metallic machinery parts, auto parts, refuse, offal, vegetables, paper, dirt, remains of food, newspapers, filth or rubbish. This section shall not apply to an authorized scavenger service which is servicing any facility or area in any park. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 5.6. SOLICITING PASSENGERS FOR VEHICLES PROHIBITED.

No person shall solicit or arrange or contract or make any agreement for or establish or maintain any stand or other equipment for procuring customers or passengers for any carriage, coach, automobile, bus, horse drawn carriage or other vehicle, let or used for hire, in any park without first having obtained a permit to do so from the Commission. Nor shall any person drive or park a taxicab in any park for the purpose of procuring customers unless such person is responding to a call for a taxicab. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 5.7. PENALTIES.

A person who violates Section 5.1(C), (D), (E), (F) or (G) of this Code shall be guilty of an

infraction and upon conviction thereof shall be punished for the first offense by a fine not to exceed $50; for the second offense committed within a one-year period by a fine not to exceed $100; for a third and each additional offense committed within a one-year's period by a fine not to exceed $250.

This Section shall not be deemed to contradict Section 137 of this Code concerning the towing of vehicles in violation of Section 136 (D), (F) or (G). (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 5.8. EXCEPTIONS.

The provisions of this Article shall not apply to any person employed by the City and County of San Francisco, while in the discharge of authorized duties and while operating an official vehicle or any other vehicle with an appropriate permit displayed. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

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ARTICLE 6: PERMITS

Sec. 6.1.	Permits—Purpose.
Sec. 6.2.	Definitions.
Sec. 6.3.	Permits Required.
Sec. 6.4.	Additional Activities Requiring Permits.
Sec. 6.5.	Permit Procedure.
Sec. 6.6.	Conditions.
Sec. 6.7.	Permits—Basis for Denial.
Sec. 6.8.	Petitioning, Leafletting, Picketing, Soliciting.
Sec. 6.9.	Reservations of Buildings.
Sec. 6.10.	Sales Prohibited at Art Shows.
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Sec. 6.12.	Permits—Athletic Events.
Sec. 6.13.	Permit Requests by Governmental Units.
Sec. 6.14.	Permits—Rights Granted.
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Sec. 6.17.	Procedure for Billing Costs.
Sec. 6.18.	Violation of Permit Conditions.
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SEC. 6.1. PERMITS—PURPOSE.

Although the First Amendment of the U.S. Constitution and Article 1, Section 9 of the California Constitution guarantee freedom of speech and association, the City and County of San Francisco is authorized to impose reasonable restrictions on the time, place and manner of such expression. In accordance with this right, the Commission requires permits for certain activities which occur on park property in order (1) to coordinate activities planned by different groups so that as many people as possible can use and enjoy the park at the same time; (2) to learn the details of the proposed activity in order to establish rules aimed at preventing inconvenience or harm to the public or the park; (3) to require appropriate insurance in order to relieve the Commission of liability from any harm that occurs; and (4) to insure that recreational facilities most suited for the activity are used. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 6.2. DEFINITIONS.

For the purposes of this Article, the following terms shall be defined as indicated below:

(A) **Amusement Park Rides**—Rides of the type normally found in amusement parks or carnivals, such as ferris wheels.

(B) **Animal Show**—The formal exhibition of animals to the public or to a group of 25 or more persons for entertainment or competition.

(C) **Art Shows**—The exhibition or display of paintings, sculptures or other works of art, but not activities performed by street artists licensed pursuant to Part II, Chapter VIII (Police Code) of the San Francisco Municipal Code.

(D) **Band**—A group of musicians playing acoustical instruments normally played in a brass band.

(E) **Demonstration**—Carrying or wearing a sign or signs, singing, talking in unison or in any other manner expressing ideas, advocating causes or conveying a message to the public at large or to a particular person or persons.

(F) **Exhibition**—Public display of manufactured goods, plants or other objects but not displays by street artists licensed pursuant to Part II, Chapter VIII (Police Code) of the San Francisco Municipal Code.

(G) **Leafletting**—Distributing leaflets, handbills, notices or any written material to the public.

(H) **Orchestra**—A group of musicians playing string, percussion, brass and wood wind instruments.

(I) **Parade**—Any march or other organized movement or person from place to place or about a place.

(J) **Petitioning**—Requesting persons to sign a petition.

(K) **Publicize**—To inform the public of a planned event by means of newspaper articles or notices, radio or television stories or notices, announcements in public places, leafletting, posting signs or written notices in places viewed by the public, or by other means calculated to notify the public of an event.

(L) **Soliciting**—Requesting persons to contribute money or anything else of value for charitable, religious or political cause. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 6.3. PERMITS REQUIRED.

No person shall, without a permit, perform any of the following acts in any park:

(A) Conduct or sponsor a parade involving (1) 50 or more persons; (2) the use of any street in any park; or (3) vehicles.

(B) Conduct or sponsor an event in which persons engage in petitioning, leafletting, demonstrating or soliciting when the number of petitioners, leafletters, demonstrators, or solicitors engaging in one or more of these activities involves 50 or more such persons at the same time within an area circumscribed by a 500-foot radius.

(C) Sell or offer for sale books, newspapers, periodicals, or other printed material.

(D) Conduct or sponsor any exhibit, promotion, dramatic performance, theatrics, pantomime, dance, fair, circus, festival, juggling or other acrobatics or show of any kind or nature which has been publicized four hours or more in advance.

(E) Perform any feat of skill or produce any amusement show, movie or entertainment which has been publicized four hours or more in advance.

(F) Make a speech which has been publicized four hours or more in advance.

(G) Conduct or sponsor a religious event involving 50 or more persons.

(H) Conduct or sponsor a concert or musical performance which (1) has been publicized four hours or more in advance, or (2) utilizes sound amplification equipment, or (3) involves a band or orchestra.

(I) Participate in a picnic, dance or other social gathering involving 25 or more persons.

(J) Sell or provide food to persons, except that no permit is required when a person participating in a picnic or social gathering of 25 or fewer persons provides food to others who are also participating in the picnic or social gathering.

(K) Conduct or sponsor a race or marathon which involves 25 or more persons as participants or which obstructs or interferes with the normal flow of vehicular or pedestrian traffic.

(L) Conduct or sponsor any event which utilizes sound amplification equipment, as defined in Part II, Chapter VIII (Police Code) of the San Francisco Municipal Code.

(M) Conduct or sponsor an exhibition.

(N) Conduct or sponsor an animal show.

(O) Conduct a wedding ceremony.

(P) Conduct or sponsor an art show.

(Q) Operate any amusement park device. The Commission or the Executive Director may prohibit the operation of such devices in any park or, if it allows such operation, may designate those locations where such operation is permitted.

(R) Conduct or sponsor an organized kite-flying event of any club or organization.

(S) Station or erect any table scaffold, stage, platform, rostrum, tower, stand, bandstand, building, fence, wall, monument, dome or other structure.

(T) Park any vehicle in any park in an area not normally used for parking vehicles or in an area normally used for parking vehicles when the vehicle is used in conjunction with an activity for which a permit is obtained pursuant to a provision of this Code other than this Subsection. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 6.4. ADDITIONAL ACTIVITIES REQUIRING PERMITS.

(A) Attention is called to other provisions of this Code which require persons engaging in certain activities to obtain a permit, including, but not limited to, the following:

(1) Launching or landing any airplane, seaplane, helicopter, parachute, hang glider, hot air balloon or other machine or apparatus of aviation, in any park, or bringing into a park any balloon with a diameter of more than six feet or a gas capacity of more than 115 cubic feet;

(2) Bringing, or causing to be brought, for the purposes of sale or barter, or having for sale, or selling or exchanging, or offering for sale or exchange any food, beverage, goods, wares or merchandise;

(3) Constructing or maintaining any building, structure, tent or any other thing in any park that may be used for housing accommodations or camping;

(4) Remaining in any park for the purpose of sleeping between the hours of 10:00 p.m. and 6:00 a.m. in order to provide security services between said hours in any park.

(B) The Commission may by resolution require a permit for additional activities when such a requirement further the purposes set forth in Section 6.1 of this Code. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 6.5. PERMIT PROCEDURE.

Procedures for the filing and processing of permit applications, have been approved by Port Commission resolution, which resolution is on file with the Port Commission and shall be made available to the public upon request. The Executive Director is hereby authorized to make any non-substantial amendments to such permit procedures necessary for the efficient administration of the permit process. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 6.6. CONDITIONS.

(A) The Executive Director or the Commission may impose reasonable conditions on approval *of a permit* application that are specifically designed to protect public or private property from damage and to preserve the comfort, convenience, safety or welfare of the public. Such conditions may be imposed on a permittee after the permit application has been approved if information has been received by the Executive Director after such approval which would provide reasonable grounds for the conclusion that further conditions are necessary, including the condition that the location of the proposed activity be changed. The provisions of this Section are designed to secure for permit holders an opportunity fully to exercise the rights conferred upon them by the permit without unreasonably interfering with the rights of other members of the public to use park property and adjacent areas or to engage in First Amendment activities. The Executive Director shall in no event impose conditions pursuant to this Section which are designed to limit the content of First Amendment expression engaged in by persons affected by the permit or which unreasonably interfere with the right of free speech.

(B) The conditions which may be imposed on permit applicants include the following: (1) posting a performance bond to insure the property is restored and cleaned at the conclusion of the permitted activity; (2) providing insurance to protect the City from liability from any harm that such activity might cause; and (3) agreeing to reimburse the Commission for any costs incurred by it in restoring damage to property caused by the actions of the permittee, its officers, employees, or agents, or any person who was, or reasonably should have been, under the permittee's control and to defend the City against, and indemnify and hold the City harmless from, any liability to any person resulting from any damage or injury cause by the actions of the permittee, its officers, employees, or agents, or any person who was or reasonably should have been, under the permittee's control.

(C) When an applicant for a permit to perform an activity which is protected by the First Amendment to the U.S. Constitution and for which a performance bond must be posted produces evidence that providing a cash performance bond would be impossible or so financially

burdensome that it would preclude the applicant from using park property for the proposed activity, the Executive Director shall accept property in lieu of a cash performance bond so long as the property offered is of a type which will reasonably insure restoration and cleaning of the property to be used by the applicant at the conclusion of the permitted activity.

(D) No applicant shall be required to comply with the provisions of Subsection (B)(2) pertaining to insurance if the activity proposed is protected by the First Amendment of the U.S. Amendment of the U.S. Constitution and the applicant produces evidence that complying with those provisions is impossible or so financially burdensome that it would preclude the applicant from using park property for the proposed activity. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 6.7. PERMITS—BASIS FOR DENIAL.

The Executive Director shall approve a permit application unless:

(A) A written application for a permit to use the same location at the same time has been received and such application has been or will be approved authorizing an activity which does not reasonably permit multiple occupancy of the area;

(B) The proposed activity would conflict with a previously planned program sponsored by the Commission and scheduled for the same location as that requested by the applicant;

(C) The Executive Director has reasonable cause to conclude, based upon the inherent nature of the activity, that the applicant or any person or persons participating in the proposed activity will, in connection with that activity, cause physical injury to persons or substantial damage to property; provided, however, that in determining whether such reasonable cause exists the Executive Director shall not consider the content of expression which is proposed or anticipated;

(D) The proposed activity is inconsistent with the purpose for which the facility or area has been established or designated;

(E) The location selected is inappropriate because (1) the nature of the proposed activity or the number of persons expected in connection with the activity would be likely to damage trees, plants or other vegetation; (2) the activity would unduly disturb adjacent neighborhoods because of the nature of the proposed activity or the number of persons expected to be involved; or (3) other activities have been scheduled in an area or areas near the location proposed by the applicant, or they normally occur in such area or areas, and permitting the proposed activity to occur in the proposed location would unreasonably interfere with park use and enjoyment by participants in such activities;

(F) The applicant fails to obtain necessary approvals, permits, or licenses from other governmental departments or agencies;

(G) The applicant has not complied with the procedural requirements established by Commission resolution for the filing of permit applications;

(H) The applicant fails or refuses to pay a processing fee or a user fee, or both, which the Commission has established by resolution;

(I) The applicant fails or refuses to post a performance bond when required to do so by the Commission;

(J) The applicant fails or refuses to provide insurance when required to do so by the Commission;

(K) The applicant fails or refuses to execute an agreement to reimburse the Commission for any cost incurred by it in restoring damage to the property occasioned by, or arising out of, the permitted activity, and to defend the City against and indemnify and hold the City harmless from, any liability to any person occasioned by, or arising out of, the permitted activity, when such an agreement is required by the Commission;

(L) The application contains misrepresentations of material fact;

(M) The proposed activity is prohibited by law;

(N) The applicant refuses to comply with conditions reasonably imposed on approval of the permit application by the Executive Director or the Commission in order to insure that public or private property is not damaged and that the comfort, convenience, safety and welfare of the public are not disturbed;

(O) The proposed activity is required to be put out for bid under the Port's policies regarding competitive bidding.

Whenever a permit application is denied, the Executive Director shall inform the applicant of the reason for the denial and when a change in location would allow approval, shall offer alternative suitable locations. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 6.8. PETITIONING, LEAFLETTING, PICKETING, SOLICITING.

(A) No permit may be required to engage in petitioning, leafletting, demonstrating or soliciting so long as engaging in any of these activities, or any combination of these activities, does not involve 50 or more petitioners, leafletters, demonstrators, or solicitors at the same time within an area circumscribed by a 500-foot radius.

(B) It shall be unlawful for any person to engage in petitioning, leafletting, demonstrating or soliciting in such a manner as to substantially obstruct any traffic of pedestrians or vehicles after being warned by a peace officer or a member of the Park Patrol not to do so.

(C) Where the park is a frequent site for the issuance of permits; involving large groups of people for events requiring exclusivity, in order to prevent interference with the progress and enjoyment of these events, no person may engage in petitioning, leafletting, demonstrating or soliciting in these parks while an event is in progress for which a permit has been issued by the Commission or Executive Director except in those areas designated as public assembly areas. No person shall be considered in violation of the prohibition contained in this subsection until he or she has been informed by a member of the San Francisco Police Department, a member of the Park Patrol, or a member of the Commission who displays proper identification of such employment that the event is being conducted pursuant to a valid permit or until the permit pursuant to which the event is being conducted has been shown to such person. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 6.9. RESERVATION OF BUILDINGS.

The procedure for reserving the use of any building in any park shall be established by the Commission and shall be kept on file with the Commission and made available to the public upon request. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 6.10. SALES PROHIBITED AT ART SHOWS.

When conducting or participating in an art show in any park, no person shall sell or offer for sale any work of art unless the permit authorizing the art show allows such sales. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 6.11. COMMERCIAL PHOTOGRAPHY, FILMING, RECORDING.

No person shall engage in commercial photography, filming or recording in any park without first having obtained a permit from the Executive Director. Permits for such commercial activities shall be issued by the Executive Director pursuant to the Port's permit authority set forth Charter Section B3.581. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 6.12. PERMITS—ATHLETIC EVENTS.

Athletic areas and structures, such as baseball diamonds, soccer pitches, football fields, and swimming pools may be reserved by obtaining a permit from the Commission. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 6.13. PERMITS REQUESTED BY GOVERNMENTAL UNITS.

Any processing or user fee established by the Commission for the use of park property may be waived where the applicant is the United States

of America, the State of California or subdivision thereof, an agency or commission of the City and County of San Francisco, or other governmental unit. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 6.14. PERMITS—RIGHTS GRANTED.

Any person possessing a valid permit, which states that an area has been reserved for such person's use, has the exclusive right to use the area or facility specified in the permit for the time specified. It shall be unlawful for any person to refuse to leave an area or facility which has been reserved by a valid permit when asked to do so by the person or party displaying such permit, by a Commission employee, by a police officer, or by a member of the Park Patrol, and no person shall in any manner disturb or interfere with any person or party occupying the area under such a permit, nor with the belongings of such person or party. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 6.15. DUTIES OF PERMITTEE.

It shall be the duty of every permittee:

(A) To obey all laws and the terms and conditions of the permit;

(B) To clean the area used after the permitted activity is over and to restore the area and property used to the same condition as existed prior to the activity; and

(C) To reimburse the Commission for any expenses incurred by it, including the cost of labor, in cleaning and restoring the park or making repairs to property and equipment, which expenses may be occasioned by the permitted activity. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 6.16. PERMITS—FAILURE TO OBTAIN.

It shall be unlawful for any person to conduct or sponsor any activity which requires a permit without first having obtained the appropriate permit and, when requested to do so by a Commission employee, a member of the Park Patrol, or by a police officer, displaying such permit. Furthermore, it shall be unlawful to participate in such an activity with knowledge that it is being conducted without a permit when a permit is required pursuant to this Code. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 6.17. PROCEDURE FOR BILLING COSTS.

Within 30 days of the exercise of any permit, the Executive Director shall determine and transmit to the permittee a bill for all costs above and beyond normal cleaning cost which are or will be incurred by the Commission in cleaning or restoring any park or making repairs to property and equipment, which costs were occasioned by, or arose out of, the activity engaged in pursuant to the permit. The permittee shall have 30 days from the transmission of such bill in which to pay or request adjustment of the same. Any request for adjustment shall be transmitted in writing to the Executive Director, who shall determine whether an adjustment is proper. The permittee shall pay the bill or adjusted bill promptly upon transmission to the permittee of a statement of the determination of the Executive Director with respect to the adjustment. Any request for adjustment shall be deemed waived if not timely or if not transmitted in writing. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 6.18. VIOLATION OF PERMIT CONDITIONS.

Whenever a permittee or those under the control of the permittee violate any condition contained in the permit, a member of the San Francisco Police Department may revoke the permit. It shall be unlawful for any person to continue to engage in an activity for which a permit was required and issued after the permit has been revoked pursuant to this Section, provided, however, that no person shall be in violation of this Section until notice has been given that the permit has been revoked. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 6.19. APPEAL.

The Commission shall by resolution adopt procedures for the appeal of the denial of a

permit application to the Commission or, in those instances when a quorum of the Commission cannot be convened in a timely manner, to the Executive Director. The Commission or the Executive Director shall afford the applicant an opportunity for a hearing and may reverse, affirm or modify in any regard the determination of the Executive Director concerning the denial of a permit application. When the Commission affirms the denial of a permit application such a decision shall be based on one or more of the reasons listed in Section 6.7 of this Code. This duty may not be delegated. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

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ARTICLE 7: REDEVELOPMENT AGENCY AUTHORITY

Sec. 7.1. Redevelopment Agency Authority.
Sec. 7.2. Wheel Equipment Prohibited.

SEC. 7.1. REDEVELOPMENT AGENCY AUTHORITY.

Notwithstanding any other provision of this Code, with respect to South Beach Park, Rincon Park, or any Port park located within the Mission Bay North or Mission Bay South Redevelopment Plan areas, to the extent any such park is controlled by the Redevelopment Agency pursuant to the terms of a lease or other agreement between the Port and the Redevelopment Agency (collectively, a "Redevelopment Agency Park"), the governing body of the Redevelopment Agency of the City and County of San Francisco shall have the exclusive authority to adopt rules and regulations for such Redevelopment Agency Park pursuant to Section 2.1 of this Code (subject to the prior approval of the Port's Executive Director), to issue permits for such Redevelopment Agency Park pursuant to Article 6 of this Code, and to exercise all other authority over the Redevelopment Agency Park which would otherwise be exercised by the Port Commission under this Code, including designating persons to perform all other functions for such Redevelopment Agency Park which would be performed by the Port's Executive Director for any other park under this Code. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

SEC. 7.2. WHEELED EQUIPMENT PROHIBITED.

No person, other than employees or agents of the Commission, the Redevelopment Agency, or its respective contractors when on duty, shall bring any wheeled conveyances, including but not limited to trucks, cars and skateboards, into South Beach Park or Rincon Park except when acting pursuant to a permit issued by the Commission or its designee. Notwithstanding the above provisions, persons may bring wheelchairs, strollers and toys appropriate for preschool children, such as wagons and tricycles, into South Beach Park or Rincon Park without a permit. In addition, persons may without a permit (1) ride bicycles over and across areas of the waterfront promenade that are adjacent to or within South Beach Park or Rincon Park, (2) walk bicycles through South Beach Park or Rincon Park, or (3) lock bicycles in designated locations. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

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ARTICLE 8: SEVERABILITY

Sec. 8.1. Severability.

SEC. 8.1. SEVERABILITY.

If any of the provisions of this Code, or the application of such provisions to any person or circumstance, shall be held invalid, the remainder of this code, or the application of such provisions to persons or circumstances other than those to which it is held to be invalid, shall not be affected thereby. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

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ARTICLE 9: PENALTIES

Sec. 9.1. Penalties.

SEC. 9.1. PENALTIES.

Unless otherwise specified in this Code, any person violating any section of this Code shall be deemed guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney; provided, however, that whenever a person has been arrested and incarcerated based solely on the violation or violations of this Code, he or she shall retain the right at the time of arraignment or plea to object to the offense being made an infraction, in which event the complaint shall be amended to charge the misdemeanor and the case shall proceed on the misdemeanor complaint.

Upon convictions of a violation charged as an infraction, the person so convicted shall be punished for the first offense by a fine of not less than $10 nor more than $50, and for a second and each additional offense by a fine of not less than $20 nor more than $100.

Upon conviction of a violation charged as a misdemeanor, the person so convicted shall be punished by a fine of not more than $500 or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

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ARTICLE 10: POLICE AUTHORITY

Sec. 10.1. Police Authority.

SEC. 10.1. POLICE AUTHORITY.

The Commission shall authorize peace officers or employees of the Commission to carry out the provisions of this Code. (Added by Ord. 92-00, File No. 000634, App. 5/19/2000)

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APPENDIX A

Port Parks

Jefferson Street Sidewalk
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